

# **EXHIBIT 12**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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5 IN RE: HIGH-TECH EMPLOYEE )  
6 ANTITRUST LITIGATION ) No. 11-CV-2509-LHK  
7 -----  
8  
9

10 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
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13 VIDEOTAPED DEPOSITION OF DANIEL STOVER  
14 San Francisco, California  
15 Monday, October 29, 2012  
16 Volume I  
17  
18  
19

20 Reported by:  
21 ASHLEY SOEVYN  
22 CSR No. 12019  
23 JOB No. 1541285  
24

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1 A. I know. I'm just -- 10:02:47

2 Q. -- I'm entitled to know every fact you have 10:02:47

3 that you are asserting against your former 10:02:52

4 employer -- 10:02:56

5 A. Uh-huh. 10:02:56

6 Q. -- and every fact you have against Adobe, 10:02:56

7 Apple, Intel, Google, Pixar, and Lucasfilm. I just 10:02:59

8 want to know what they are. 10:03:04

9 A. Yes. 10:03:07

10 Q. So one is, you are relying on the DOJ 10:03:07

11 report? 10:03:14

12 A. Correct. 10:03:15

13 Q. Okay. Anything else? 10:03:15

14 MS. LEEBOVE: Objection, vague. 10:03:16

15 THE WITNESS: So again, you talked about 10:03:20

16 the Leamer report. We've gone through at what level 10:03:21

17 of detail I've looked at that. So yes, I'm saying I 10:03:26

18 would rely on that. 10:03:34

19 MR. KIERNAN: Okay. Anything else? 10:03:36

20 MS. LEEBOVE: Objection, vague. Calls for 10:03:37

21 a legal conclusion. 10:03:40

22 THE WITNESS: I've seen a large number of 10:03:46

23 e-mails between senior executives and board members. 10:03:47

24 I would not be able to give you specific examples 10:03:50

25 other than a handful. 10:03:52

|    |  |          |
|----|--|----------|
| 1  | BY MR. KIERNAN:                                      | 10:03:57 |
| 2  | Q. Anything else?                                    | 10:03:57 |
| 3  | MS. LEEBOVE: Same objection.                         | 10:04:02 |
| 4  | THE WITNESS: Not that I remember right               | 10:04:03 |
| 5  | now.   | 10:04:05 |
| 6  | BY MR. KIERNAN:                                      | 10:04:05 |
| 7  | Q. The large number of e-mails that you're           | 10:04:05 |
| 8  | referencing, did you review those after the lawsuit  | 10:04:12 |
| 9  | was filed?   | 10:04:15 |
| 10 | MS. LEEBOVE: Objection, misstates prior              | 10:04:16 |
| 11 | testimony.   | 10:04:18 |
| 12 | THE WITNESS: Yes, I did.                             | 10:04:19 |
| 13 | BY MR. KIERNAN:                                      | 10:04:21 |
| 14 | Q. Before the lawsuit was filed, did you have        | 10:04:21 |
| 15 | any independent knowledge of any of the agreements   | 10:04:25 |
| 16 | that you're alleging are illegal?                    | 10:04:27 |
| 17 | MS. LEEBOVE: Objection, asked and                    | 10:04:29 |
| 18 | answered.  | 10:04:32 |
| 19 | THE WITNESS: So --                                   | 10:04:33 |
| 20 | MS. LEEBOVE: Calls for a legal conclusion.           | 10:04:34 |
| 21 | THE WITNESS: Sorry. So my decision to                | 10:04:41 |
| 22 | pursue this case was, as I said, based on the DOJ    | 10:04:45 |
| 23 | report which was already published. And at the       | 10:04:47 |
| 24 | time, there was quite a bit of media coverage of the | 10:04:50 |
| 25 | DOJ report. And I don't remember specifically where  | 10:04:54 |

|    |  |          |
|----|--|----------|
| 1  | I saw that.  | 10:05:02 |
| 2  | BY MR. KIERNAN:                                      | 10:05:07 |
| 3  | Q. You anticipated where I was going. How did        | 10:05:07 |
| 4  | you become involved in the lawsuit?                  | 10:05:10 |
| 5  | A. Again, there was a lot of reporting in the        | 10:05:16 |
| 6  | media once the DOJ report was released. I took some  | 10:05:19 |
| 7  | time to read the DOJ report and it kind of struck me | 10:05:23 |
| 8  | in combination with, you know, various media reports | 10:05:28 |
| 9  | that this was something that needed to be pursued in | 10:05:32 |
| 10 | a way that went beyond what the DOJ did.             | 10:05:41 |
| 11 | Q. And then what did you do?                         | 10:05:44 |
| 12 | A. I don't remember the exact date, but it           | 10:05:47 |
| 13 | became published that Lieff Cabraser was following   | 10:05:56 |
| 14 | up the DOJ report with this suit.                    | 10:06:02 |
| 15 | Q. Where did you learn that?                         | 10:06:04 |
| 16 | A. I don't remember exactly.                         | 10:06:06 |
| 17 | Q. What did you do once you learned that Lieff       | 10:06:08 |
| 18 | Cabraser was involved?                               | 10:06:15 |
| 19 | A. There was a link to the case on their             | 10:06:20 |
| 20 | website, and I reached out and talked to someone     | 10:06:24 |
| 21 | there.   | 10:06:27 |
| 22 | Q. And then decided that you wanted to be a          | 10:06:28 |
| 23 | named plaintiff in the action?                       | 10:06:31 |
| 24 | MS. LEEBOVE: And let me just caution you             | 10:06:34 |
| 25 | not to disclose anything that you discussed with     | 10:06:34 |

1 your attorneys. 10:06:38

2 THE WITNESS: It was something I considered 10:06:42

3 for some time, but yes. 10:06:46

4 BY MR. KIERNAN: 10:06:48

5 Q. That you considered for some time before 10:06:48

6 you learned that Lief Cabraser had filed a lawsuit 10:06:50

7 against the seven defendants? 10:06:55

8 MS. LEEBOVE: Objection, misstates prior 10:06:56

9 testimony. 10:06:58

10 THE WITNESS: When I became aware that -- 10:06:58

11 this lawsuit was going to be filed, I kind of 10:07:00

12 decided at that point that -- is there a validity 10:07:06

13 here, do I think that this is something that should 10:07:10

14 at least be investigated? It's a very personal 10:07:14

15 decision putting yourself out there like this. It's 10:07:16

16 something I spent quite a bit of time thinking 10:07:20

17 about. 10:07:23

18 Q. So you were involved before the lawsuit was 10:07:24

19 filed? 10:07:26

20 MS. LEEBOVE: Objection, vague and 10:07:27

21 ambiguous. Misstates prior testimony. 10:07:29

22 THE WITNESS: I was aware of the Department 10:07:31

23 of Justice report and kind of media reporting before 10:07:33

24 I became aware of the lawsuit. 10:07:37

25 BY MR. KIERNAN: 10:07:41

1 Q. When did you first learn of the DOJ 10:07:41  
2 report? 10:07:45

3 A. I can't say for certain at this point. I 10:07:49  
4 would be guessing. 10:07:52

5 Q. Do you recall how you became aware of it? 10:07:53

6 A. Again, I don't remember the specific 10:07:57  
7 website that I went to, but there was a report on 10:07:58  
8 the DOJ report which had links to the DOJ report, 10:08:01  
9 kind of like continued searching and reading about 10:08:06  
10 this. 10:08:10

11 Q. Have you had discussions with any Intuit 10:08:11  
12 employees about this lawsuit? 10:08:13

13 A. Not that I can remember. 10:08:18

14 Q. How about former Intuit employees? 10:08:20

15 A. Not that I remember. I tried to be very 10:08:23  
16 careful about who I discussed this with. 10:08:27

17 Q. So you recently reviewed the Leamer report, 10:08:54  
18 right? 10:08:58

19 MS. LEEBOVE: Objection, misstates prior 10:08:59  
20 testimony. 10:09:01

21 THE WITNESS: Yes, at a high level. 10:09:02

22 BY MR. KIERNAN: 10:09:06

23 Q. Okay. Did you also review your motion for 10:09:06  
24 class certification that you filed in this case? 10:09:08

25 MS. LEEBOVE: Objection, calls for a legal 10:09:11

1 conclusion. 10:09:12

2 THE WITNESS: I would have read it, yes. 10:09:13

3 Again, probably at a high level. 10:09:15

4 BY MR. KIERNAN: 10:09:19

5 Q. And now that we've had a longer discussion, 10:09:19

6 do you recall reviewing the complaint that you filed 10:09:23

7 against the seven defendants in this case? 10:09:26

8 MS. LEEBOVE: Objection, calls for a legal 10:09:29

9 conclusion. 10:09:30

10 THE WITNESS: Yeah, again, I can't say for 10:09:31

11 certain unless I saw the document. 10:09:32

12 BY MR. KIERNAN: 10:09:42

13 Q. Do you understand, Mr. Stover, that you're 10:09:42

14 alleging that Intuit and Google entered into an 10:09:46

15 agreement to restrict cold calling in June of 2007? 10:09:50

16 Is that your understanding? 10:09:55

17 MS. LEEBOVE: Objection, calls for a legal 10:09:56

18 conclusion. Vague and ambiguous and compound. 10:09:59

19 THE WITNESS: I could not -- I could not 10:10:03

20 qualify it with a date, but I have seen some 10:10:05

21 evidence that indicates there was an agreement. I 10:10:13

22 can't say for certain in the document that it's 10:10:17

23 called out. 10:10:20

24 BY MR. KIERNAN: 10:10:23

25 Q. What would help you? What would you like 10:10:23